



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115 1812

REGION XV
MICHIGAN
OHIO

July 12, 2022

Via e-mail only to:

Nicole McGaugh

Re: OCR Docket No. 15-22-1177

Dear Nicole McGaugh:

On January 10, 2022, the U.S. Department of Education, Office for Civil Rights (OCR), received the complaint you filed against Holt Public Schools (the District). You allege that the District discriminated against students on the basis of race, color, and disability. Specifically, you allege that:

1. During the 2021-2022 school year, the District treated students at Holt Junior High School differently based on race or color when it gave Black students harsher disciplinary consequences than similarly situated white or lighter-skinned students.
2. The District does not accurately record when students at Holt Junior High School serve in-school suspensions.
3. During the 2021-2022 school year, the District did not provide Black students at Holt Junior High School and Holt High School with the one-on-one paraeducator services in their Individualized Education Programs (IEPs).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department of Education and as a public entity, the District is subject to these laws.

Based on the complaint allegations, OCR will investigate the following issues to determine whether the District discriminated against students on the basis of race, color, and/or disability:

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

Page 2 Nicole McGaugh

- whether the District, on the ground of race, color, or national origin, denied a student any service or benefit provided under its program; provided the student services or benefits that were different from or provided in a different manner from services or benefits provided to other students; restricted the student in the enjoyment of any privilege or advantage enjoyed by others; and/or treated the student differently from others in determining whether the student satisfied any requirement or condition which individuals must meet in order to be provided any service or other benefit under the program, in violation of the Title VI implementing regulation at 34 C.F.R. § 100.3(b)(1)(i), (ii), (iv), and/or (v);
- whether the District failed to keep timely, complete, and accurate records so that the Department of Education may be able to ascertain whether the District has complied or is complying with Title VI, in violation of the Title VI implementing regulation at 34 C.F.R. § 100.6(b); and
- whether the District failed to provide qualified student with disabilities with a free appropriate public education (FAPE), in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.33.

Please understand that opening an allegation for investigation does not mean that OCR has made a decision about your complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about your complaint. OCR will ensure that its investigation is legally sufficient and addresses your allegations, in accordance with OCR's *Case Processing Manual*. OCR would also like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Also, when appropriate, a complaint may be resolved before the conclusion of an investigation when a district expresses an interest to OCR to resolve the complaint and OCR determines that it is appropriate to resolve the complaint allegation(s) because OCR's investigation has identified issues that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement signed by the district. This agreement must be tied to the allegations and the evidence obtained, and it must be consistent with applicable regulations. OCR sent you additional information about this voluntary resolution process with OCR's correspondence acknowledging your complaint and this information is also available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Pursuant to the routine use exception of the Privacy Act, for the purpose of assisting OCR in resolving your civil rights complaint or in obtaining additional information relevant to OCR's investigation, OCR is sending a redacted copy of your complaint to the District.


Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Page 3 Nicole McGaugh

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR works to resolve allegations of discrimination promptly. OCR will communicate with you periodically during its investigation. When contacting the office about your case, please refer to OCR Docket Number 15-22-1177. If you have any questions, please contact Ms. Erin Barker-Brown. She has been assigned to investigate this complaint and can be reached by telephone at (216) 522-4978 or by e-mail at Erin.Barker-Brown@ed.gov.

Sincerely,



Digitally signed by
SACARA MILLER
Date: 2022.07.12
09:30:22 -04'00'

Sacara Miller
Supervisory Attorney/Team Leader